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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,567	10/30/2003	Maurizio Pili	1509-464	5917
22429 7590 01/09/2008 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER HERNANDEZ, NELSON D	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/696,567

Applicant(s)

PILU ET AL.

Examiner

Nelson D. Hernández

Art Unit

2622

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Response to Amendment in Detailed Action. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-59.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Response to Arguments in Detailed Action.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
LIN YE  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

Please note that the Examiner on record has changed. All future correspondence should be directed to Nelson D. Hernández whose information is provided at the end of this Office Action.

### *Response to Amendment*

1. Amendments made to **claims 1, 14, 15, 20, 21, 40, 48 and 51** and introduction of **new claim 60** raise new issues that would require further search and/or consideration.

### *Response to Arguments*

2. Applicant's arguments filed February 17, 2007 have been fully considered but they are not persuasive.
3. **In regards to claim 44**, the applicant argues that "Sisselman does not include the requirement of claim 44 for "saliency circuitry for generating an image related second saliency signal in response to the image signal." The office action alleges a pause command generated by Sisselman is the image related second saliency signal that is generated in response to the image signal. However, the pause command is generated by the operator of the Sisselman camera and is not generated in response to the image signal.

The Examiner respectfully disagrees. The Examiner understands that the pause command is generated by the operator, the Examiner understands that the operation of

freezing the image is also in response to the current displayed image signal that is used to create the paused image or the pause command as taught in ¶ 0031 and ¶ 0038 (the limitations as written read on the Sisselman since the claim does not require that the generation of the second saliency signal is performed automatically, thus by teaching freezing a currently displayed image as indicated by a user operation, Sisselman teaches generating the second saliency signal that is in response to the currently generated image). Therefore, the rejection is maintained.

**In regards to claim 54**, the Applicant argues that “Sisselman does not include the requirement of amended claim 54, previously included in canceled claim 55, for “picture selection circuitry for selectively passing the picture signals in response to the saliency signal, wherein the saliency signal has more than two values.” The rejection of claim 55 relies on activating replay button 190 more than two times. However, replay button 190 has nothing to do with selectively passing picture signals. Instead, it relates to replaying video, not passing video, that is, picture signals.”

The Examiner respectfully disagrees. The Examiner understands that the limitations as written read on the Sisselman reference. The replay button 190 of Sisselman as interpreted by the Examiner read on the Applicant’s generation of a saliency signal and that the passing of picture signals not chosen when the user operates control button 190 teaches the selective passing of picture signals in response to the saliency signals (the Examiner understand that the limitations “picture selection circuitry for selectively passing the picture signals in response to the saliency signal” read on the Sisselman reference since by not replaying certain image signals or video,

the user control the operation of the camera to pass picture signals or video signals being reproduced as desired), and thus the rejection of claim 54 is maintained.

**In regards to claim 57**, the Applicant argues that "the replay button has nothing to do with selectively retaining images in a memory, wherein the images associated with higher saliency values are retained in preference to images with lower saliency values. In Fiore et al., image retention is either on or off. Because the Sisselman replay feature relied on in the office action has nothing to do with image retention, one of ordinary skill in the art would not have modified Sisselman to include the foregoing requirement of amended claim 57".

The Examiner respectfully disagrees. As discussed in the Final Office Action, the Examiner is interpreting "saliency levels" to be the level of interest that the user has in retaining particular images, and thus "high saliency levels" are moments where the user is interested in retaining images, and thus saliency signals are generated, wherein "low saliency levels" are moments where the user is not interested in retaining images, and thus saliency signals are not generated. In this respect, the Examiner believes that the retaining of selective data frames from circular storage buffer 15 to be stored in memory 17 in response to event signals (user operation) from event source 8 is equivalent to "selectively retaining images associated with higher saliency levels in preference to images with low saliency levels", as Fiore teaches in Figs. 2-3 and ¶ 0047-0048. The Examiner understands that although the Sisselman replay feature relied on in the office action does not teach controlling image retention, the Fiore reference is relevant enough as Fiore's teaching is related to a playback system for a camera. The Examiner

introduced the Fiore to teach a memory (file system 17) with management circuitry (event processor 16) for selectively retaining images (data frames from circular storage buffer 15) associated with higher saliency levels (i.e. event signals from event source 8) in the memory (17) in preference to images with lower saliency levels. Please refer to Figs. 2-3 and ¶ 0047-0048. The Examiner understands that at the time the invention was made, one of ordinary skill in the art would find obvious to have incorporated the memory of Fiore with the apparatus of Sisselman, as such a memory would allow the user to permanently store desired images (images stored due to the saliency signals) as opposed to merely reviewing the desired images without permanent storage, thus enabling the user to review and process images at any desirable moment. Therefore, the rejection of claim 57 is maintained.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández  
Examiner  
Art Unit 2622

NDHH  
January 5, 2008



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